

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 11
	:	
CAMPISI CONSTRUCTION, INC.,	:	
	:	Case No. 14-12458 (JKF)
Debtor.	:	

Campisi Construction, Inc.	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Pro. No. 14-00616 (JKF)
	:	
ECI, LLC	:	
	:	
Defendant,	:	
	:	
and	:	
	:	
Cornerstone Consulting Engineers & Architectural, Inc.	:	
	:	
Defendant.	:	

**CORNERSTONE CONSULTING ENGINEERS &
ARCHITECTURAL, INC.'S RESERVATION OF RIGHTS TO MOTION
OF ANTHONY CAMPISI TO VACATE ORDER ENTERED ON MAY 1, 2017**

Cornerstone Consulting Engineers & Architectural, Inc. ("Cornerstone"), by and through its undersigned counsel, hereby submits this Reservation of Rights relative to the Motion of Anthony Campisi to Vacate Order entered on May 1, 2017 (the "Motion to Vacate").

RESERVATION OF RIGHTS

1. Cornerstone does not intend to become involved in any dispute between Anthony G. Campisi and ECI, LLC, or its principal. As highlighted in its Motion to Approve and Enforce Settlement Agreement with the Chapter 7 Trustee, ECI, LLC (the "Motion to Enforce") [Docket No. 45], Cornerstone, in its capacity as a garnishee, was trapped in the middle of a protracted and costly dispute among competing claimants for over three years. Cornerstone

paid a significant sum of money to extricate itself from that dispute and did so with the expectation that the settlement that was approved by this Court would bring finality and closure.

2. At its significant expense, Cornerstone spearheaded the negotiations with the Chapter 7 trustee and ECI and prepared the settlement documents. When one party refused to execute the settlement documents, Cornerstone was forced to prepare and file the Motion to Enforce seeking enforcement and consummation of the settlement. The settlement provided for the payment of \$100,000 to the Trustee in full satisfaction of all claims in the above-captioned adversary proceeding and mutual release among all parties. Prior to the hearing on the Motion to Enforce, Cornerstone agreed to pay an additional \$10,000, for a total of \$110,000, to accomplish the one objective that it has pursued over the past 3 years: finality.

3. On April 28, 2017, the Court entered an Order (the “Order”) approving the Motion to Enforce [Adv. Docket No. 50]. After the Order became final and non-appealable, Cornerstone paid the Trustee the full settlement payment of \$110,000 (the “Settlement Payment”). On May 25, 2017, the parties filed a Stipulation to dismiss the above-captioned adversary proceeding with prejudice. [Adv. Docket No. 52] and filed documentation in the state courts to resolve all pending garnishment proceedings.

4. Given that the Settlement Payment has been paid in full and this adversary proceeding was dismissed with prejudice several months ago, Cornerstone is compelled to file this Reservation of Rights to highlight two important considerations relating to the Motion to Vacate. First, if the Order is vacated, the Trustee and ECI will be required to return the Settlement Payment to Cornerstone. Simply put, disgorging a settlement payment months after the payment was made, and after the underlying litigation was dismissed with prejudice, may cause administrative or other difficulties for all parties. It is for that reason that settlements are

typically considered sacrosanct and rarely disturbed. A second consequence is that the adversary proceeding would be reopened and the parties would be forced to litigate this matter after the parties spent nearly one year, and considerable legal fees, negotiating and documenting the terms of the settlement.

WHEREFORE, Cornerstone Consulting Engineers & Architectural, Inc. reserves all rights, claims, defenses and arguments relating to, or arising from, the Motion to Vacate and requests such other and further relief that this Court deems necessary and just.

Dated: September 21, 2017

STEVENS & LEE, P.C.

By: /s/ John C. Kilgannon

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